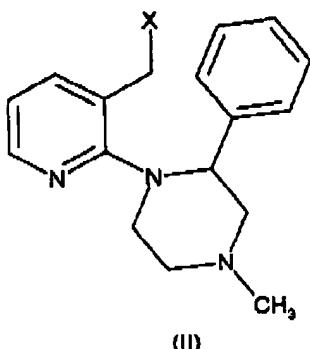


AMENDMENTS TO THE CLAIMS

1. (Currently amended) A method for the preparation of enantiomerically pure mirtazapine, said method comprising a step of ring closure of a compound according to formula (II)



wherein X is a leaving group, said step comprising treatment with an acid, ~~characterised in that~~ wherein mirtazapine with enantiomeric excess is formed by the ring closure of the compound of formula (II) with enantiomeric excess by treatment with a suitable acid in the absence of a solvent or a suitable combination of an acid and an organic solvent.

2. (Currently amended) The method of claim 1, ~~characterised in that~~ wherein the ring closure occurs using a suitable acid in the absence of a solvent.

3. (Currently amended) The method of claim 2, ~~characterised in that~~ wherein the acid is a protic acid or a protic acid derivative.

4. (Currently amended) The method of claim 3, ~~characterised in that~~ wherein the acid is polyphosphoric acid or phosphorus pentoxide in phosphoric acid.

5. (Currently amended) The method according to claim 4, ~~characterised in that~~ wherein the weight ratio between polyphosphoric acid and the compound according to formula II is less than 5 to 1.

Serial No. 10/564,193

6. (Currently amended) The method of claim 1, characterised in that wherein ring closure occurs using a suitable acid and organic solvent combination.
7. (Currently amended) The method of claim 6, characterised in that wherein the suitable acid and organic solvent combination is a protic acid or protic acid derivative in combination with a polar coordinating solvent.
8. (Currently amended) The method of claim 6, characterised in that wherein the suitable acid and organic solvent combination is a mineral acid in combination with a polar coordinating solvent.
9. (Currently amended) The method of claim 7, characterised in that wherein the suitable acid and organic solvent combination is polyphosphoric acid in combination with *N*-methylpyrrolidinone or DMF.
10. (Previously presented) A method for the selection of an acid or an acid/solvent combination suitable for a stereospecific ring closure reaction of an enantiomerically pure compound according to the formula II and meaning of X of claim 1 leading to enantiomerically pure mirtazapine comprising testing the reaction by treatment of the enantiomerically pure compound with a candidate acid or a candidate acid/solvent combination and determining a loss of enantiomeric excess by the reaction and identifying an acid or an acid/solvent combination, as suitable if it results in the loss of less than 40%.